



# City of Seattle

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## CIVIL SERVICE COMMISSIONS

### Public Safety Civil Service Commission

Commission Chair Joel A. Nark

Commissioner Stacy Connole

Commissioner Dorothy Y. Leggett

### Staff

Andrea Scheele, Executive Director

Teresa Jacobs, Administrative Staff Assistant

## AGENDA\*

### PUBLIC SAFETY CIVIL SERVICE COMMISSION

*The Agenda is subject to change to address immediate Commission concerns.*

**DATE:** Thursday, October 15, 2020

**TIME:** 10:00 am

**LOCATION:** WebEx

**Meeting Link:** <https://seattle.webex.com/seattle/j.php?MTID=m6b5a28a1ca3d51824a2c7b01952c8da1>

**Meeting Number (access code):** 146 520 3616

**Meeting Password:** tdDyDUvM422

#### Tap to join from a mobile device (attendees only)

[+1-206-207-1700,,1465203616##](tel:+12062071700,1465203616##) United States Toll (Seattle)

[+1-408-418-9388,,1465203616##](tel:+14084189388,1465203616##) United States Toll

#### Join by phone

[+1-206-207-1700](tel:+12062071700) United States Toll (Seattle)

[+1-408-418-9388](tel:+14084189388) United States Toll

[Global call-in numbers](#)

#### Join from a video system or application

Dial [1465203616@seattle.webex.com](tel:1465203616@seattle.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

#### Join using Microsoft Lync or Microsoft Skype for Business

Dial [1465203616.seattle@lync.webex.com](tel:1465203616.seattle@lync.webex.com)

Need help? Go to <http://help.webex.com>

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#### City of Seattle Civil Service Commissions

Seattle Municipal Tower, 700 Fifth Avenue, Suite 1670 PO Box 94729 Seattle, WA 98124-4729

Tel (206) 233-7118, Fax: (206) 684-0755, <http://www.seattle.gov/CivilServiceCommissions/>

*An equal employment opportunity employer. Accommodations for people with disabilities provided upon request*

# AGENDA\*

## PUBLIC SAFETY CIVIL SERVICE COMMISSION

Meeting documents will be posted to the commission website the day of the meeting.

<http://www.seattle.gov/public-safety-civil-service-commission/monthly-meetings>

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### CALL TO ORDER-INTRODUCTIONS-PUBLIC COMMENT

1. **APPROVAL OF MEETING MINUTES**
  - **September 17, 2020**
2. **EXAM UNIT UPDATES**
  - **Yoshiko Grace Matsui, Fire Exams Analyst**
  - **Rachael Schade, Police Exams Analyst**
3. **EXECUTIVE DIRECTOR REPORT**
  - **Departmental Work Update**
  - **Budget Update**
  - **39<sup>th</sup> Annual Civil Service Conference-Update**
  - **Commission Meeting Schedule**
4. **CASE STATUS REPORT**
  - **Novisedlak v. SPD-PSCSC No. 20-01-011-Update**
  - **Crawford-Writ of Review-King County Superior Court**
5. **EXECUTIVE SESSION ON ACTUAL/ANTICIPATED LITIGATION**

**ADJOURN**

**NEXT MEETING: TBD**

**\*Agendas and Special Meeting Notices:**

You may sign up at the PSCSC website <http://www.seattle.gov/public-safety-civil-service-commission> to receive regular and special meeting notices and agendas.

**Public Disclosure Requests**

Request for public records can be made through the City Public Records Request Center:

<http://www.seattle.gov/public-records>

## **1. APPROVAL OF MEETING MINUTES**

**•September 17, 2020**



# City of Seattle

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## CIVIL SERVICE COMMISSIONS

### Public Safety Civil Service Commission

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### Staff

Andrea Scheele, Executive Director

Teresa Jacobs, Administrative Staff Assistant

## Public Safety Civil Service Commission

### September 17, 2020-Monthly Meeting

Approved: October 15, 2020

**Call to Order:** Commission Joel Nark called the September 17, 2020 Public Safety Civil Service Commission Special Meeting to order at 10:12 am. The meeting was held via Skype.

### In Attendance via Skype

Commission Chair Joel Nark

Commissioner Stacy Connole

Andrea Scheele, Executive Director

Teresa Chen, Assistant City Attorney

Teresa R. Jacobs, Administrative Staff Assistant

## 1. APPROVAL OF MINUTES

### Approval of Minutes-July 30, 2020 -PSCSC Special Meeting

The Commission reviewed the minutes of the July 30, 2020 Special Meeting. Commissioner Connole moved to approve the minutes as written. Commissioner Nark seconded the motion. The minutes were approved by acclamation and will be signed by the chair.

### Approval of Minutes-July 2, 2020 -PSCS Special Meeting

The Commission reviewed the minutes of the August 21, 2020 Special Meeting. Commissioner Connole moved to approve the minutes as written. Commissioner Nark seconded the motion. The minutes were approved by acclamation and will be signed by the chair.

## 2. EXAM UNIT UPDATES

- **Yoshiko Grace Matsui, Fire Exams Analyst: Ms. Grace Matsui was conducting part two of the Fireboat Pilot Practical exams and was not present.** The Fireboat Pilot list will be published in

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December. The Fire Battalion Chief Assessment list is posted, and the Fire Captain list will be published soon.

- **Rachael Schade, Police Exams Analyst:** Ms. Schade reported the bibliographies for the 2021 Lieutenant promotional exam is published. The Captain suggested reading list will be out in November. The exam will be administered in July of 2021. Lt. Doug Johnson was present and asked for clarification on the publication of the Captains exam. Ms. Schade clarified there were administrative tasks that needed to take place prior to publication and the list would be out shortly.

**3. EXECUTIVE DIRECTOR REPORT:** Andrea Scheele, Executive Director gave her report to the commission on the following:

- **COVID-19 Update:** Staff continues to telework with intermittent visits to the office to pick up mail, faxes, and brief onsite work.
- **Budget Update:** As of September 10, the budget is at 36.6% for the year. The mayor will present the proposed budget on September 29.
- **Planned Wage Increases for Non-Represented APEX/SAM Positions:** The City will forego 2021 Annual Wage Increases for APEX/SAM.
- **PSCSC Commissioner Appointment:** The City Council Public Safety and Human Services Committee will consider the nomination of the Dorothy Leggett to the PSCSC. If approved Ms. Leggett will go before the full Council on September 29<sup>th</sup>.
- **Save the Date-39<sup>th</sup> Annual Civil Service Conference:** The 2021 Civil Service Conference will be held remotely October 13 and 14. Staff will send information as it becomes available.

**4. CASE STATUS REPORT**

- **Novisedlak v. SPD-PSCSC No. 20-01-011-Update:** The 1<sup>st</sup> Prehearing was held August 18. Executive Director Scheele presided. Staff is coordinating Discovery and hearing dates for the PSCSC. A special meeting will be scheduled for Commissioners Connole and Leggett to vote for a Pro Tem and go over procedure.
- **Lt. R. Crawford-PSCSC No. 20-03-014-Request for Decision (Veteran's Preference):** Lt. Crawford filed a Writ of Review with the King County Superior Court regarding his appeal to the commission on a decision of the Executive Director. The Executive Director denied his request for removal of Veteran's Preference points awarded for a second time on the Fire Captain's Promotional register. The commission denied Lt. Crawford's appeal at its July 30 meeting.

**Adjourn:** All other business before the Commission having been considered, Commission Chair Nark adjourned the meeting at 12:30 pm.

Respectfully Submitted by:

/s/ Teresa R. Jacobs 10/15/2020

/s/ Joel A. Nark 10/15/2020

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Date:

Teresa R. Jacobs  
Administrative Staff Assistant

Joel A. Nark  
Commission Chair

\*Request for public records, including audio recording of meetings can be made through the City Public Records Request Center <http://www.seattle.gov/public-records>

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## **2. EXAM UNIT UPDATES**

- **Yoshiko Grace Matsui, Fire Exams Analyst**
- **Rachael Schade, Police Exams Analyst**

**3. EXECUTIVE DIRECTOR REPORT**

- **Departmental Work Update**
- **Budget Update**
- **39th Annual Civil Service Conference-Update**
- **Commission Meeting Schedule**

## **Budget Update**

**CIV BUDGET  
OCTOBER 2020**

ACCOUNT_TYPE	Expenditure
BSL	(All)
ACCOUNTING_PERIOD	(All)

Sum of AMOUNT						TRANS_TYPE							
BSL_DESCR	FUND_DESCR	BUDGET_PROGRAM_DES	MASTER_PROJECT_DESCI	EXPENSE_CATEGORY	PROJECT_DESCR	ACCOUNT_DESCR	Adopted Budget	Supplemental Budget	Actuals	Balance before		% Spent	% Available (After Encumbrances)
										Encumbrances	Available Balance		
<b>BO-VC-V1CIV - Civil Service Commissions</b>	<b>00100 - General Fund</b>	PO-VC-V1CIV - Civil Ser	<b>MO-VC-V1CIV - Civil Se</b>	Nonpersonnel Svcs	<b>VCADMIN - Leadersh</b>	531030 - Supplies-Office Supplies	2,700.00		363.49	2,336.51	2,336.51	13.5%	86.5%
						549020 - Isf-Fas Alloc	92,568.00		77,140.10	15,427.90	15,427.90	83.3%	16.7%
						541310 - Services-Legal Notices	500.00			500.00	500.00	0.0%	100.0%
						541320 - Services-Court Reporters	500.00			500.00	500.00	0.0%	100.0%
						541550 - Services-Parking	200.00			200.00	200.00	0.0%	100.0%
						542900 - Rentals-Other	3,350.00		2,676.62	673.38	673.38	79.9%	20.1%
						544010 - Reimburse-Conf,Seminar,Reg Fee	600.00			600.00	600.00	0.0%	100.0%
						544050 - Reimburse-Meetin Refresh&Meals	500.00			500.00	500.00	0.0%	100.0%
						545010 - Travel Costs-Out-Of-City	2,100.00	(1,200.00)		900.00	900.00	0.0%	100.0%
						545030 - Travel Costs-Conf, Conv, Sem	1,533.00			1,533.00	1,533.00	0.0%	100.0%
						546010 - Fees-Dues & Memberships	1,000.00			1,000.00	1,000.00	0.0%	100.0%
						549070 - Isf-Itld Alloc	26,567.00		22,090.00	4,477.00	4,477.00	83.1%	16.9%
						549080 - Isf-Itld Billed	2,305.00		3,190.30	(885.30)	(885.30)	138.4%	-38.4%
						549100 - SDHR Allocation	6,421.00		4,815.72	1,605.28	1,605.28	75.0%	25.0%
						550070 - Intergov-Licenses & Permits	50.00			50.00	50.00	0.0%	100.0%
						542020 - Rentals-Parking			700.00	(700.00)	(700.00)		
						541120 - Services-Technology			3,750.85	(3,750.85)	(3,750.85)		
						532020 - Equipment-Software Purchases			107.12	(107.12)	(107.12)		
						541300 - Services-Advertising			1,200.48	(1,200.48)	(1,200.48)		
						532900 - Equipment-Other			1,029.66	(1,029.66)	(1,029.66)		
						541340 - Services-Copying & Printing			70.64	(70.64)	(70.64)		
						531010 - Supplies-Subscrips/Pubs/Books			9.90	(9.90)	(9.90)		
						533900 - Inventory-Other			80.00	(80.00)	(80.00)		
						569910 - Non-legislated Budget Revision		(539.00)		(539.00)	(539.00)	0.0%	100.0%
					<b>VCCIVILSV - Civil Sen</b>	541310 - Services-Legal Notices			484.65	(484.65)	(484.65)		
				Nonpersonnel Svcs Total			140,894.00	(1,739.00)	117,709.53	21,445.47	21,445.47	84.6%	15.4%
				Personnel Svcs	<b>VCADMIN - Leadersh</b>	510010 - Salaries & Wages	245,645.00	8,951.83	21,309.28	233,287.55	233,287.55	8.4%	91.6%
						510020 - Holiday			551.36	(551.36)	(551.36)		
						510070 - Part Time-Salaries & Wages	33,615.00			33,615.00	33,615.00	0.0%	100.0%
						520010 - Fica	19,157.00	555.01	725.81	18,986.20	18,986.20	3.7%	96.3%
						520020 - Medicare	4,794.00	129.80	169.75	4,754.05	4,754.05	3.4%	96.6%
						520070 - Insurance Prem-Health & Dental	33,852.00		28,210.00	5,642.00	5,642.00	83.3%	16.7%
						520090 - Insurance-Group Fund Life	263.00			263.00	263.00	0.0%	100.0%
						520100 - Insurance-Longterm Disability	50.00			50.00	50.00	0.0%	100.0%
						520300 - Pension-City Retirement Sys	46,230.00	1,363.36	1,874.57	45,718.79	45,718.79	3.9%	96.1%
						520080 - Insurance-Wash St FML	374.00		(215.85)	589.85	589.85	-57.7%	157.7%
						510110 - Salaries & Wages-Temp/Intermit	1,151.00			1,151.00	1,151.00	0.0%	100.0%
						520110 - Insurance-Death Benefit Pay	24.00		12.00	12.00	12.00	50.0%	50.0%
						520320 - Employee Assistance Premium	48.00		47.12	0.88	0.88	98.2%	1.8%
						510030 - Sick Leave			432.05	(432.05)	(432.05)		
						510040 - Vacation			773.61	(773.61)	(773.61)		
						510060 - Termination Pay-Other			251.27	(251.27)	(251.27)		
						510170 - Overtime			40.47	(40.47)	(40.47)		
						510240 - Executive Leave Used			369.12	(369.12)	(369.12)		
						510300 - Other Paid Time Off			19.92	(19.92)	(19.92)		
						520011 - Fica Fsa Dcap & Health			302.40	(302.40)	(302.40)		
					<b>VCCIVILSV - Civil Sen</b>	510010 - Salaries & Wages			139,374.28	(139,374.28)	(139,374.28)		

**CIV BUDGET  
OCTOBER 2020**

<b>BO-VC-V1CIV - Civil Service Commissions</b>	<b>00100 - General Fund</b>	PO-VC-V1CIV - Civil Ser	<b>MO-VC-V1CIV - Civil Se</b>	Personnel Svcs	<b>VCCIVLSV - Civil Sen</b>	510020 - Holiday	4,522.48	(4,522.48)	(4,522.48)				
						510070 - Part Time-Salaries & Wages	19,600.00	(19,600.00)	(19,600.00)				
						520010 - Fica	10,656.75	(10,656.75)	(10,656.75)				
						520020 - Medicare	2,492.33	(2,492.33)	(2,492.33)				
						520090 - Insurance-Group Fund Life	86.86	(86.86)	(86.86)				
						520100 - Insurance-Longterm Disability	33.05	(33.05)	(33.05)				
						520300 - Pension-City Retirement Sys	25,284.75	(25,284.75)	(25,284.75)				
						520080 - Insurance-Wash St FML	259.17	(259.17)	(259.17)				
						510110 - Salaries & Wages-Temp/Intermit	45.37	(45.37)	(45.37)				
						520110 - Insurance-Death Benefit Pay	12.00	(12.00)	(12.00)				
						510030 - Sick Leave	2,504.09	(2,504.09)	(2,504.09)				
						510040 - Vacation	5,457.07	(5,457.07)	(5,457.07)				
						510170 - Overtime	1,088.13	(1,088.13)	(1,088.13)				
						510240 - Executive Leave Used	3,775.76	(3,775.76)	(3,775.76)				
						510300 - Other Paid Time Off	536.72	(536.72)	(536.72)				
				Personnel Svcs Total			385,203.00	11,000.00	270,601.69	125,601.31	125,601.31	68.3%	31.7%
<b>BO-VC-V1CIV - Civil Service Commissions Total</b>							<b>526,097.00</b>	<b>9,261.00</b>	<b>388,311.22</b>	<b>147,046.78</b>	<b>147,046.78</b>	<b>72.5%</b>	<b>27.5%</b>
<b>Grand Total</b>							<b>526,097.00</b>	<b>9,261.00</b>	<b>388,311.22</b>	<b>147,046.78</b>	<b>147,046.78</b>	<b>72.5%</b>	<b>27.5%</b>

## **Commission Meeting Schedule**

# Memo

To: Public Safety Civil Service Commissioners  
From: Teresa Jacobs  
Date: October 12, 2020  
Re: **2020 Remaining Meeting Dates/2021 Meeting Dates on the 3rd Thursday\*  
Joint Meeting of the PSCSC & CSC**

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Commissioners,

Below are the remaining PSCSC meeting dates for 2020 and the third Thursday dates in 2021. Commissioner Leggett stated her availability is Mondays - Wednesdays from 9 - 4pm, with a preference towards mornings. There is a possibility that she is available some Thursday mornings. If the commission has a preference to keep the meetings scheduled for the third Thursday and Commissioner Leggett has a conflict, the commission can decide to reschedule the meeting, or hold the meeting with a quorum of two.

Thank you.

## 2020

October 15, 2020	November 19, 2020	December 17, 2020
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## 2021

January 21, 2021	February 18, 2021	March 18, 2021
April 15, 2021	May 20, 2021	June 17, 2021
July 15, 2021	August 19, 2021	September 16, 2021
October 21, 2021	November 18, 2021	December 16, 2021

**JOINT MEETING:** The commission has held a joint meeting in November or December with Civil Service Commission. Ideally the commissions have considered dates on either a PSCSC or CSC regular meeting date. The current regular meeting dates are: November 16 & December 21 @ 2PM (CSC Meetings)  
November 19 & December 17 @ 10 AM (PSCSC Meetings)

**WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL**  
**Chapter 3**  
**OPEN PUBLIC MEETINGS ACT**

*Chapter last revised: October 31, 2016*

### **3.6 The OPMA Requires Notice of Meetings**

A “meeting” under the OPMA is either a “regular” meeting or a “special” meeting, with different notice requirements for each. So, for example, a meeting designated as a “retreat,” “study session,” or “workshop” is, for OPMA purposes, either a regular or a special meeting, depending on how it is held.

#### **A. Regular Meetings**

The OPMA requires agencies to identify the time and place their governing bodies will hold regular meetings, which are defined as "recurring meetings held in accordance with a periodic schedule declared by statute or rule." [RCW 42.30.075](#). State agencies subject to the OPMA must publish their schedule in the [Washington State Register](#), while local agencies (such as cities and counties) must adopt the schedule "by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body." [RCW 42.30.075](#); [RCW 42.30.070](#). Although the OPMA does not require local agency governing bodies to meet inside the boundaries of their jurisdiction, there is general agreement that agencies should not schedule meetings at locations that effectively exclude the public. Other statutes may require certain entities to hold their meetings at particular locations, such as [RCW 36.32.080](#), which requires a board of county commissioners to hold regular meetings at the county seat, or at the alternate locations specified in that statute.

If a scheduled regular meeting falls on a holiday, it must be held on the next business day. [RCW 42.30.070](#).

The OPMA requires agencies with governing bodies to make the agenda of regular meetings available online at least 24 hours in advance of the meeting. [RCW 42.30.077](#). This requirement does not apply if the agency does not have a website or if it employs fewer than 10 full-time equivalent employees. Also, an agency can modify the agenda after it is posted online. A failure to comply with the notice requirement with respect to a regular meeting will not invalidate an otherwise legal action taken at the meeting.

Other laws and local governing body rules may require additional regular meeting notice and publication and/or posting of a preliminary agenda. See, e.g., [RCW 35.23.221](#), [RCW 35A.12.160](#).

#### **B. Special Meetings**

Whenever an agency has a meeting at a time other than a scheduled regular meeting, it is conducting a "special meeting." [RCW 42.30.080](#). For each special meeting, the OPMA requires at least 24 hours' written notice to:

- the members of the governing body, delivered personally, or by mail, fax, or email;
- media representatives (newspaper, radio, and television) who have filed a written request for notices of a particular special meeting or of all special meetings, delivered personally, or by mail, fax, or email; and
- the public, by posting on the agency website and by prominently posting it at the main entrance of the agency's principal location and at the meeting site if the meeting will not be held at the agency's principal location.

An agency is not required to post the public notice on its website if it does not have one, if it has fewer than 10 full-time equivalent employees, or if doesn't employ personnel whose job it is to maintain the website.

The OPMA does not provide any guidance as to whether the media's written request for notice must be renewed; it is advisable, however, to periodically renew such requests to ensure that they contain the proper contact information for the notice and have not been misplaced or inadvertently overlooked due to changes in agency personnel.

The notice of a special meeting must specify the time and place of the meeting and "the business to be transacted," which would normally be an agenda. At a special meeting, final disposition by the agency is limited to the matters identified as the business to be conducted in the notice. The statutory language suggests that the governing body could discuss, but not finally dispose of, matters not included in the notice of the special meeting.

A member of the governing body may waive the required notice by filing a written waiver or by simply appearing at the special meeting. *Estey v. Dempsey* (1985). The failure to provide notice to a member of the governing body can only be asserted by the person who should have received the notice, not by any person affected by action at the meeting. *Kirk v. Pierce County Fire Protection Dist. No. 21* (1981).

### **C. Emergency Meetings**

The OPMA provides that, in the event of an emergency such as a fire, flood, or earthquake, meetings may be held at a site other than the regular meeting site, and the notice requirements of the OPMA are suspended during the emergency. [RCW 42.30.070](#). An agency should, however, provide special-meeting notice of an emergency meeting, if practicable. [RCW 42.30.080\(4\)](#).

The courts have found that an agency must be confronted with a true emergency that requires immediate action, such as a natural disaster, for its governing body to hold an emergency meeting that does not comply with the OPMA. It has been held that a strike by teachers did not justify an "emergency" meeting by the school board. *Mead School Dist. No. 354 v. Mead Education Ass'n* (1975).

#### **D. Adjournments, Cancellations and Continuances**

The OPMA establishes procedures for a governing body to adjourn a regular or special meeting and continue that meeting to a time and place identified in an order of adjournment. [RCW 42.30.090](#). Less than a quorum of a governing body may adjourn and continue a meeting under these procedures, or the clerk or secretary of the body may do so if no members are present. Notice of the meeting adjournment must be the same that is required for special meetings in [RCW 42.30.080](#), and a copy of the order or notice of adjournment must be posted on or near the door of the place where the meeting was held. Although the OPMA does not address cancellations, presumably the same process could be followed in cancelling a meeting.

Public hearings held by a governing body may be continued to a subsequent meeting of the governing body following the procedures for adjournment in [RCW 42.30.090](#). [RCW 42.30.100](#).

See also [adjournment discussion](#) in [MRSC's Open Public Meetings Act publication](#).

#### **4. CASE STATUS REPORT**

- **Novisedlak v. SPD-PSCSC No. 20-01-011-Update**
- **Crawford-Writ of Review-King County Superior Court**